

DEC 16 2005

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Recipient:

Examiner Thomas Dale Bradrick

Company:U.S. PATENT AND TRADEMARK
OFFICE**Fax Number:**

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Voice Number:**Sender:**

Raymond O. Linker, Jr.

Message:**Application No. 10/019,872****Response to Restriction Requirement**Number of Pages: (including cover page) **3****IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .**

USER CODE: LINKR	REQUESTED BY: Jan Sherrill - 1163
CLIENT/MATTER: 033339/242251	OPERATOR:

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Attorney's Docket No. 033339/242251

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Blareau et al.
Appl. No.: 10/019,872
Filed: April 2, 2002
For: METHOD FOR THE PRODUCTION OF AN IMMUNOSTIMULANT MILK PRODUCT
AND USES THEREOF

Confirmation No.: 8072
Group Art Unit: 1651
Examiner: Thomas Dale Bradrick

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated November 29, 2005, in which the Examiner has required restriction between Group I, namely Claims 1-5, and Group II, namely Claims 6-9. Applicant hereby provisionally elects with traverse to prosecute the claims of Group II (Claims 6-9) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Reconsideration by the Examiner and withdrawal of the restriction requirement are respectfully solicited. Restriction between the method of Group I and the milk product of Group II is improper since the method of Group I is specially adapted for the production of the product of Group II. Furthermore, the invention has a special technical feature not taught in the cited Mutai et al. patent, in particular the particular strain of *Bifidobacterium breve* claimed.

It is noted that the restriction requirement does not address claim 10, which was added in the preliminary amendment December 26, 2001 filed concurrently with the filing of the application, nor does it address the claim added by the preliminary amendment dated March 7, 2002. This March 7, 2002 preliminary amendment presented a claim (incorrectly identified as 10, but should be renumbered as 11) directed to the *Bifidobacterium breve* strain 1-2219 deposited at the CNCM on May 31, 1999.

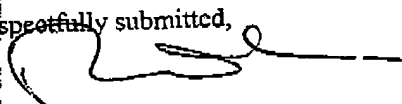
Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

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Appl No.: 10/019,872
Amdt. dated 12/16/2005
Reply to Restriction Requirement of November 29, 2005

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




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I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.


Janet F. Sherrill

December 16, 2005
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